

# In the United States Court of Federal Claims

No. 16-1647  
(Filed: 18 May 2023)

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MYNETTE TECHNOLOGIES, INC. \*  
AND STEVEN M. COLBY, \*  
\*  
Plaintiffs, \*  
\*  
v. \*  
\*  
THE UNITED STATES, \*  
\*  
Defendant, \*  
\*  
GEMALTO, INC., \*  
\*  
Intervenor-Defendant, \*  
\*  
and \*  
\*  
IDEMIA IDENTITY & SECURITY \*  
USA, LLC, \*  
\*  
Intervenor-Defendant. \*  
\*\*\*\*\*

## **ORDER**

On 5 December 2022, the Court issued an Opinion and Order granting in part defendants' Motion for Terminating Sanctions, ECF No. 125, and instructing the parties to jointly propose a covenant not to sue, ECF No. 153. After numerous extensions of time—and one 21 April 2023 Order, ECF No. 166, with deadlines entirely missed by the parties—on 18 May 2023 the Court held a telephonic status conference to discuss why the parties have not reached agreement regarding the covenant. *See* Order, ECF No. 169. Shortly before the status conference, defendants filed a Motion for Reconsideration of the Court's 5 December 2022 Opinion and Order, ECF No. 171. At the status conference, it was apparent the parties agree on the scope of technology the covenant not to sue should include—based on the Court's direction in the 5 December 2022 Opinion and Order—but disagree as to technical language describing that scope.

Following discussion at the 18 May 2023 status conference, the Court **ADOPTS** the following schedule:

Event	Date
Defendants file (jointly or individually) (an) opening brief(s): (1) responding to plaintiffs' positions in the parties' 17 May 2023 Joint Status Report ("JSR"), ECF No. 170; and (2) proposing any edits to plaintiffs' covenant not to sue proposal in Appendix A of the JSR.	2 June 2023
Plaintiffs file a response to defendants' Motion for Reconsideration and a response to defendants' Opening Brief(s) on the covenant not to sue.	16 June 2023
Defendants file a reply in support of their Motion for Reconsideration.	7 July 2023

Each proposed edit in defendants' Opening Brief(s) should be tied to conclusions of fact and law regarding specific entities and people in the Court's 5 December 2022 Opinion and Order. To aid in resolution of the parties' outstanding disagreements regarding the covenant not to sue and given plaintiffs' request for additional time at the status conference, the Court's 16 June 2023 deadline affords plaintiffs additional time to respond to defendants' Motion for Reconsideration. Accounting also for Gemalto's request for additional time at the status conference, the Court's 7 July 2023 deadline affords defendants equal additional time to reply in support of their Motion for Reconsideration. The Court suggests the additional time will allow the parties to reach agreement regarding the covenant. The Court further notes it appreciates the discussion at the 18 May 2023 status conference regarding all parties missing the Court's 21 April 2023 Order deadlines and, based on that discussion, expects the parties not to disregard future orders. The Court will schedule oral argument at a later time, if needed.

**IT IS SO ORDERED.**

s/ Ryan T. Holte  
 RYAN T. HOLTE  
 Judge